

AVAILABILITY OF DOCUMENTS ADDED TO RULEMAKING FILE

NOTICE IS HEREBY GIVEN that the following document(s) are being added to the rulemaking record for the regulatory proceeding concerning section(s) 1922.3, 1950.5, 1951, 1953 and 1993.1 of Title 16 of the California Code of Regulations.

1. Section 1922.3 – Initial Statement of Reasons
2. Section 1950.5 – Initial Statement of Reasons
3. Section 1951 – Initial Statement of Reasons
4. Section 1953 – Initial Statement of Reasons
5. Section 1993.1 – Initial Statement of Reasons

The above documents are now available for public inspection and/or comment until February 22, 2005 at the following location:

Structural Pest Control Board

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DATED: February 4, 2005

Kelli Okuma, Registrar

Modified Initial Statements of Reasons

Each original Initial Statement of Reasons may be found on our website: www.pestboard.ca.gov.

STRUCTURAL PEST CONTROL BOARD

Modified Initial Statements of Reasons

STRUCTURAL PEST CONTROL BOARD

INITIAL STATEMENT OF REASONS (REVISED)

Hearing Date: April 23, 2004

Subject Matter of Proposed Regulations: Course requirements by County Agricultural Commissioners

Section Affected: Adopt 1922.3

Specific Purpose of each adoption, amendment, or repeal:

Senate Bill 1463, Chap.584, Stats.2003, authorizes County Agricultural Commissioners to direct structural pest control licensees to pass a Board-approved course when the licensee has violated any law relating to pesticides. The proposed adoption will specify what procedures are to be followed when the County Agricultural Commissioner orders a licensee to complete a Board-approved continuing education course pursuant to Business and Professions Code section 8617. The proposal directs the licensee to submit the name of the course and its content, which must be directly related to the violation(s) committed, to the same agricultural commissioner for review and approval within twenty (20) days of the Order; directs the commissioner to respond within twenty (20) days of receipt; states the licensee must take and pass an examination (70% or higher) after completion of the Board-approved course and that the certificate of completion obtained from the course provider must be submitted to the same agricultural commissioner who issued the Notice of Proposed Action within twenty (20) days of course completion, and explains the licensee has ninety (90) days to comply with the Order, although the commissioner may have discretion to extend that compliance date up to one hundred eighty (180) days.

Factual Basis/Rationale

The County Agricultural Commissioners have the authority pursuant to Section 8617 of the Business and Professions Code to direct that a structural pest control licensee pass a Board-approved course when a structural pesticide-related violation has occurred. The proposed adoption will place into regulation specific guidelines for both the licensee and the County Agricultural Commissioners regarding the civil penalty action.

Underlying Data

None

Business Impact

The Board has initially determined there will be costs to licensees who are in violation of the law, as continuing education providers charge for each course.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

STRUCTURAL PEST CONTROL BOARD
INITIAL STATEMENT OF REASONS (REVISED)

Hearing Date: April 23, 2004

Subject Matter of Proposed Regulations: Hour Value System

Section Affected: 1950.5

Specific Purpose of each adoption, amendment, or repeal:

Existing regulations currently specify how values will be assessed to approved continuing education courses. The proposed amendment will update and equalize the requirements for both licensees and continuing education providers regarding activity approval and continuing education course requirements. Currently some courses are not required to administer an examination. The proposed amendment will require a written examination at the end of every course offering technical hours and rules and regulations hours. The granting of continuing education credit for equivalent activities, such as teaching continuing education or publishing technical articles, will be deleted as such activities are already part of the job of a licensed instructor, author or researcher. The total number of continuing education credit granted for attending a Board Meeting for the purpose of license renewal will be reduced from six to four hours per renewal cycle because the Continuing Education Committee felt four hours were sufficient given the fact that these hours will be exempted from the examination requirements. In addition existing regulation does not specify what types of continuing education hours attendees at Board meetings will receive. This proposed amendment will clarify that attendance at a board meeting will garner 1 hour of general education and 1 hour of rules and regulations for the purposes of continuing education credit.

Factual Basis/Rationale

A Board-appointed Continuing Education Committee reviewed the continuing education program. The Committee reported that existing regulations did not currently require an examination for correspondence courses, industry in-house classes of a technical subject, or rules and regulations, nor did the regulations require a written examination be administered. The Committee recommended the proposed amendments to improve the continuing education program, concluding that continuing education hours are necessary for licensees to maintain a level of knowledge consistent with their scope of practice to ensure consumer protection, and that improvement in the process of continuing education could only provide better services to structural pest control licensees by providers of continuing education.

Underlying Data

None

Business Impact

The Board is not aware of any cost impacts this regulation would impose on a representative private person or business in reasonable compliance with this proposed action because providers are already required to administer an examination. These amendments are defining a minimum number of questions per examination after each course.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or as effective and less burdensome to affected private persons than the proposed regulation.

STRUCTURAL PEST CONTROL BOARD
INITIAL STATEMENT OF REASONS (REVISED)

Hearing Date: April 23, 2004

Subject Matter of Proposed Regulations: Examination in Lieu of Continuing Education

Section Affected: 1951

Specific Purpose of each adoption, amendment, or repeal:

Existing law allows a licensed operator or field representative to qualify for license renewal by completing an examination. Current regulation defines examination completion as obtaining a passing grade of 70 percent. In the interest of clarity, the proposed amendment changes references to licensed operator(s) and field representative(s) to the single word "licensee," and clarifies that the passing grade on the examination is not limited to 70 percent, but is 70 percent or higher.

Factual Basis/Rationale

The Structural Pest Control Board licenses and regulates all structural pest control licensees in the State of California. The proposed amendment to section 1951 is intended to simplify the language and clarify that a passing score may be higher than 70 percent.

Underlying Data

None

Business Impact

The Board is not aware of any cost impacts this regulation would impose on a representative private person or business in reasonable compliance with this proposed action.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

STRUCTURAL PEST CONTROL BOARD
INITIAL STATEMENT OF REASONS (REVISED)

Hearing Date: April 23, 2004

Subject Matter of Proposed Regulations: Approval of Activities

Section Affected: 1953

Specific Purpose of each adoption, amendment, or repeal:

Existing regulations currently specify the requirements and procedures a continuing education provider must follow in order to obtain Board approval for an educational activity. This amendment will clarify exactly what information is to be provided on a proposed activity syllabus, as current submissions have inadequate course content. It will specify that course providers must provide postage on the evaluations (Student Questionnaire, Form No. 43M-39) of the continuing education course for a student's submission to the Board because the Board does not currently receive their evaluations, which are invaluable tools to the Board's overall evaluation of the continuing education program, and it will re-define what does not qualify for course credit so as to avoid companies providing continuing education credit hours for in-house training focusing on policies or procedures of a single firm or sales pitches for product merchandizing.

Factual Basis/Rationale

A Board-appointed Continuing Education Committee reviewed the continuing education program. The Committee reported that existing regulations did not currently ensure enough information on the course syllabus for Board staff to make an informed determination relative to approval or disapproval of the activity, the student questionnaire (Form No. 43M-39) needed substantial updating, and the definition of continuing education credit needed specific detailing so as to avoid company policies or procedures, salesmanship, or the selling and/or marketing of services being included in a course specifically designed for continuing education credit. The Committee recommended the proposed amendments to improve the continuing education program, concluding that continuing education hours are necessary for licensees to maintain a level of knowledge consistent with their scope of practice to ensure consumer protection, and that improvement in the process of continuing education could only provide better services to structural pest control licensees by providers of continuing education.

Underlying Data

None

Business Impact

The Board has initially determined there will be minor cost to Continuing Education (CE) providers in relation to the providing of postage on student evaluations (Student Questionnaire, Form 43M-39).

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

STRUCTURAL PEST CONTROL BOARD
INITIAL STATEMENT OF REASONS (REVISED)

Hearing Date: April 23, 2004

Subject Matter of Proposed Regulations: Reinspection Language

Section Affected: Adopt 1993.1

Specific Purpose of each adoption, amendment, or repeal:

Existing law provides that when a Structural Pest Control Company has performed an inspection and prepares a report that includes an estimate or bid for repairs, a reinspection of the items listed on the original report will be performed and completed within ten (10) days after a reinspection is ordered, if that request is made within four (4) months from the original inspection. The proposed regulation will provide notification to the consumer of the company's responsibility, by requiring that a written statement be included on every original wood destroying pests and organisms inspection report, or subsequent reports. The statement identifies the obligations of a pest control company when an estimate or bid for making repairs is given, clarifies reinspection requirements, the timeframe for completion, and gives instructions on reinspection for both visible and inaccessible areas, price restrictions and repair work guarantees.

Factual Basis/Rationale

The Structural Pest Control Board regulates all Wood Destroying Pest and Organisms Inspections of structures in the State of California. Often times a reinspection of a structure is needed following work that may have been done by someone other than the pest control company that performed the original inspection. The proposed adoption of section 1993.1 will provide the consumer a clear understanding of what is expected when a reinspection is performed, as it requires that disclosure of reinspection requirements be placed on the inspection report, thus expressly informing the consumer and the pest control company as to Board requirements.

Underlying Data

None

Business Impact

The Board has initially determined there will be minor cost to pest control companies in relation to placing the reinspection language of section 1993.1 on every original wood destroying pests and organisms inspection report, or subsequent reports, as some companies may have pre-printed forms that might require initial changing.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.